

Message Text

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INFO OCT-01 ISO-00 EURE-00 IO-10 ACDA-05 SAJ-01 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 /075 W

----- 063588

P R 301737Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5376

INFO USMISSION USBERLIN

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AMEMBASSY MOSCOW

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C O N F I D E N T I A L SECTION 01 OF 04 BONN 20862

E.O. 11652: GDS

TAGS: PFOR PGOV GW WB US FR UK UR

SUBJECT: PROPOSED MEETING OF BUNDESTAG COUNCIL OF
ELDERS IN BERLIN

BEGIN SUMMARY. THE FRG HAS REQUESTED US, UK, AND FRENCH
VIEWS, BY JANUARY 16, ON HOLDING A MEETING CF OF
THE COUNCIL OF ELDERS OF THE BUNDESTAG DURING THE FIRST
QUARTER OF 1976. THE DEPARTMENT WILL RECALL THAT THE
SOVIETS PROTESTED ALLEGED FRG PLANS FOR A JOINT MEETING
OF THE BUNDESTAG PRESIDUM AND COUNCIL OF ELDERS IN
JANUARY 1974. AFTER PROLONGED DISCUSSIONS AT THAT TIME
IN THE BONN GROUP AND AT HIGH LEVELS IN
BONN, THE FEDERAL GOVERNMENT AND THE THREE ALLIES JOINED
IN ASKING THE PRESIDENT OF THE BUNDESTAG NOT TO SCHEDULE
THE MEETING. ALTHOUGH THE EVENTUAL ALLIED RESPONSE TO
THE SOVIET PROTEST REFUTED THE CONTENTION THAT SUCH
MEETINGS WERE PROHIBITED BY THE QUADRIPARTITE AGREEMENT,
THE ALLIES DID NOT TAKE A DEFINITIVE POSITION ON THEIR
LEGALITY. OUR VIEW IS THAT COUNCIL OF ELDERS MEETINGS,
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PER SE, IN BERLIN WOULD NOT BE CONTRAVENTION OF THE QA,

AND THAT UNDER PRESENT CIRCUMSTANCES -- UNLIKE 1974, WHEN THERE WAS SIMULTANEOUS CONTROVERSY OVER ESTABLISHMENT OF THE FEDERAL ENVIRONMENTAL AGENCY (FEA) IN BERLIN -- THERE IS LESS JUSTIFICATION FOR MAINTAINING THAT A MEETING WOULD NOT NOW BE POLITICALLY OPPORTUNE. WE WOULD, HOWEVER, SUGGEST URGING THE FRG TO CONSIDER THE QUESTION OF OPPORTUNENESS CAREFULLY, TO PROVIDE FULL INFORMATION ON THE RATIONALE FOR AND PURPOSE OF THE MEETING, AND TO ASSIST IN REACHING AN AGREED REPLY TO THE INEVITABLE SOVIET PROTEST BEFORE A FINAL DECISION IS MADE AND CONVEYED TO THE BUNDESTAG. ACTION REQUESTED: REQUEST GUIDANCE, IF POSSIBLE BY EARLY IN WEEK OF JANUARY 5. END SUMMARY.

1. AT THE DECEMBER 18 BONN GROUP MEETING, THE FRG REP (LUECKING) INFORMED THE ALLIES THAT AT A DECEMBER 11 SESSION OF THE BUNDESTAG COUNCIL OF ELDERS (AELTESTENRAT) BERLIN DEPUTY WOHLRABE HAD PROPOSED THAT THE COUNCIL OF ELDERS MEET IN BERLIN IN THE FIRST QUARTER OF 1976.

2. LUECKING RECALLED TO THE BONN GROUP THE DISCUSSION BETWEEN THE ALLIES AND FRG IN EARLY 1974 IN THE WAKE OF THE JANUARY 2, 1974 SOVIET PROTEST CONCERNING AN ALLEGED PLANNED MEETING OF THE BUNDESTAG PRESIDUM AND THE COUNCIL OF ELDERS IN BERLIN. ALTHOUGH THE PRESIDENT OF THE BUNDESTAG (RENGER) HAD AGREED NOT TO HOLD A MEETING OF THE PRESIDUM IN BERLIN AT THAT TIME, IN THEIR REPLY TO THE SOVIETS THE ALLIES HAD KEPT OPEN THEIR POSITION ON THE LEGALITY UNDER THE QA OF HOLDING SUCH MEETINGS IN THE WSB.

3. LUECKING REFERRED TO A SUBSEQUENT PUBLIC EXCHANGE OF LETTERS BETWEEN RENGAR AND WOHLRABE ON THIS SUBJECT. RENGAR HAD SAID IT WAS FOR HER TO DECIDE WHERE MEETINGS OF THE PRESIDUM WERE TO TAKE PLACE AND THAT SHE OPPOSED A MEETING IN BERLIN IF THERE WERE NO SPECIFIC AND PRACTICAL REASON FOR IT. WOHLRABE HAD MAINTAINED THAT SUCH MEETINGS WERE COMMONPLACE BEFORE THE QA, AND THAT A DECISION NOT TO HOLD MEETINGS IN BERLIN IN THE FUTURE WOULD BE A STEP BACKWARD.

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4. LUECKING SAID THAT RENGAR, WHILE INITIALLY UNINFORMED ON COMPLEX QA ISSUES, HAD SUBSEQUENTLY BEEN VERY CAREFUL WITH BERLIN MATTERS. IMPLYING THAT SHE NOW AGREED WITH THE WOHLRABE PROPOSAL, LUECKING SAID THE ALLIES SHOULD GIVE IT CAREFUL CONSIDERATION. HE ADDED THAT THIS TIME RENGAR "SEEMS TO BE UNDER TERRIBLE PRESSURE."

5. IN RESPONSE TO A QUESTION FROM THE UK REP (HITCH),
LUECKING SAID THE AGENDA OF THE PROPOSED MEETING WOULD
INCLUDE DISCUSSION OF THE ADMINISTRATION OF THE
REICHSTAG BUILDING.

6. BUECKING STRESSED THAT NO FORMAL DECISION TO HOLD

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DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 /075 W

----- 063620

P R 301737Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5377

INFO USMISSION USBERLIN

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A MEETING IN BERLIN HAD BEEN TAKEN. HE ASKED FOR ALLIED
VIEW PRIOR TO THE NEXT MEETING OF THE COUNCIL OF
ELDERS, SCHEDULED FOR JANUARY 16.

7. AT A TRIPARTITE MEETING ON DECEMBER 22, THE US REP
SOUGHT PRELIMINARY UK AND FRENCH VIEWS ON THE PROPOSAL.
THE US REP RECALLED THAT IN 1974 WE HAD SOUGHT, BUT
NEVER RECEIVED, DETAILED INFORMATION FROM THE BUNDESTAG
PRESIDENT ON THE REASONS FOR A PRESIDIUM MEETING IN

BERLIN, AND THE PROPOSED AGENDA. WITH RESPECT TO THE POSSIBLE COUNCIL OF ELDERS MEETING, HE THOUGHT IT MIGHT BE DESIRABLE TO RESTATE NOW SIMILAR QUESTIONS TO THE FRG, TO HAVE A FULL AND ORDERLY DISCUSSION OF THE PROPOSAL ON ITS MERITS, AND NOT TO BE STAMPEDED INTO A QUICK DECISION BECAUSE OF THE JANUARY 16 DEADLINE MENTIONED BY LUECKING.

8. THE FRENCH REP (BOISSIEU) AGREED THAT THE ISSUES
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IN 1974 HAD BEEN THOSE MENTIONED BY THE US REP, BUT HE THOUGHT LITTLE WOULD BE GAINED BY POSING THEM AGAIN. WE ALREADY KNEW ALL WE NEEDED TO KNOW ABOUT THE NATURE OF THE COUNCIL OF ELDERS, AND WE KNOW THAT THE AGENDA WOULD BE DISCUSSION OF THE BUSINESS OF THE BUNDESTAG FOR THE COMING MONTH AND THE ADMINISTRATION OF THE REICHSTAG BUILDING.

9. UK REP (HITCH) SAID HE UNDERSTOOD THAT THE UK HAD NOT BEEN PREPARED TO DEFEND THE MEETING TO THE SOVIETS IN 1974 EXCEPT BY PRESENTING THE PRESIDUM AND COUNCIL OF ELDERS AS COMMITTEES OF THE BUNDESTAG WHOSE MEETING WAS RELATED TO MAINTENANCE AND DEVELOPMENT OF THE TIES BETWEEN THE FRG AND THE WSB (AND THEREFORE PROPER UNDER TERMS OF THE LETTER TO THE FEDERAL CHANCELLOR FROM THE ALLIED AMBASSADORS OF SEPTEMBER 3, 1971, INTERPRETING ANNEX II OF THE QA).

10. BOISSIEU CONTINUED THAT THE FRENCH IN 1974 HAD NOT BEEN SO CONCERNED WITH THE COMMITTEE ASPECT BUT WITH THE CIRCUMSTANCES AT THE TIME. A MEETING AT THE HEIGHT OF THE FEA CONTROVERSY WOULD HAVE BEEN SEEN AS A POLITICAL MANIFESTATION. HE BELIEVED THAT A MEETING AT THE PRESENT TIME WOULD ALSO BE INOPPORTUNE, BUT HE THOUGHT THE ALLIES WERE BOUND BY HAVING TOLD RENGIER IN 1974 THAT, IN PRINCIPLE, SUCH MEETINGS WERE PERMISSIBLE, SUBJECT ONLY TO TIMING. TO TURN DOWN THE REQUEST THIS TIME WOULD BE TANTAMOUNT TO SAYING THAT THE ALLIES BELIEVED THE TWO BODIES SHOULD NEVER MEET IN BERLIN. NOTING THAT HE WAS SPEAKING WITHOUT INSTRUCTIONS, BOISSIEU CONCLUDED THAT HIS INCLINATION WOULD BE TO TELL THE GERMANS THAT THE ALLIES COULD NOT REFUSE THE REQUEST, BUT THOUGHT THE FRG WAS LOOKING FOR TROUBLE.

COMMENT:

11. WITH THE GERMAN REQUEST IT APPEARS THAT, DEPENDING ON THE ALLIED DECISION, THE ALLIES WILL AGAIN BE SUBJECT TO EXPRESSIONS OF UNHAPPINESS FROM EITHER THE FRG OR

THE USSR. THE ISSUES WERE NOT RESOLVED IN 1974, DESPITE
THE PROLONGED DISCUSSIONS WHICH TOOK PLACE BETWEEN
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RECEIPT OF THE SOVIET PROTEST IN MOSCOW ON JANUARY 2,
1974 (MOSCOW 46) AND DELIVERY OF THE ALLIED REPLY ON
APRIL 26, 1974 (STATE 83368 AND MOSCOW 6244). THOSE
DISCUSSIONS REVEALED CONSIDERABLE DIFFERENCE OF OPINION
WITHIN THE GERMAN GOVERNMENT, AMONG THE THREE ALLIES,
AND BETWEEN THE ALLIES AND THE FRG.

12. BEFORE DECIDING HOW TO RESPOND TO THE GERMAN
REQUEST, IT WOULD BE USEFUL TO REVIEW THE STATUS OF THE
ISSUE AS IT WAS LEFT IN 1974. AT THAT TIME IT WAS
APPARENTLY THE FEA CONTROVERSY WHICH LED THE FRG TO
AGREE THAT A MEETING OF THE PRESIDUM IN BERLIN WAS NOT
TIMELY. (THE COUNCIL OF ELDERS WAS NOT THEN SPECIFICALLY
UNDER CONSIDERATION, ALTHOUGH THE SOVIET PROTEST HAD
REFERRED TO BOTH BODIES.) THE GOVERNMENT FLATLY REFUSED
THE US REQUEST, CONVEYED BY THE AMBASSADOR TO MINISTER
EGON BAHR, THAT IT TAKE RESPONSIBILITY FOR SO INFORMING
BUNDESTAG PRESIDENT RENGEL, BUT PLANS FOR HOLDING THE
MEETING WERE FINALLY DROPPED AFTER THE CHANCELLOR SENT A
LETTER TO RENGEL ON FEBRUARY 28, 1974.

13. THE CHANCELLOR'S LETTER STATED THE REQUEST OF
THE THREE POWERS AND THE FEDERAL GOVERNMENT
THAT THE PRESIDUM NOT SCHEDULE A MEETING IN BERLIN
(BONN 3253) UNTIL THE ALLIED STUDY OCCASIONED BY THE

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DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 /075 W

----- 063654

P R 301737Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5378

INFO USMISSION USBERLIN

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SOVIET PROTEST HAD BEEN COMPLETED. (THE LETTER ALSO REITERATED THE ALLIED REQUEST FOR MORE COMPREHENSIVE INFORMATION ON THE PURPOSE AND AGENDA OF THE INTENDED MEETING.) ORALLY, HOWEVER, RENGAR WAS GIVEN THE ADDITIONAL EXPLANATION THAT THE REQUEST WAS RELATED TO THE POLITICAL SITUATION "AT THIS TIME;" THERE WAS THUS AN IMPLICATION THAT THE REQUEST FOR POSTPONEMENT WAS RELATED SOLELY TO TIMING. THAT ORAL COMMUNICATION WENT BEYOND WHAT THE DEPARTMENT HAD AGREED TO, THOUGH IT HAD THE CONCURRENCE OF THE BRITISH AND THE FRENCH. IT DOUBTLESS LEFT THE IMPRESSION WITH RENGAR THAT, AT THE PROPER TIME, THE ALLIES WOULD NOT OBJECT TO A MEETING IN BERLIN.

14. THE US DID NOT, IN FACT, EVER EXPRESS A FINAL VIEW ON THE POSSIBILITY OF HOLDING SUCH MEETINGS IN BERLIN IN THE FUTURE. EARLY IN THE BONN GROUP DISCUSSIONS, THE DEPARTMENT HAD AUTHORIZED THE US REP TO STATE THAT, CONFIDENTIAL

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WHILE WE CONSIDERED THE SCHEDULING OF SUCH MEETINGS MARGINAL, PARTICULARLY IN THE POLITICAL CONTEXT AT THAT TIME, WE FULLY RECOGNIZED THEIR LEGALITY AND THE POSSIBILITY OF THEIR BEING SCHEDULED AT SOME FUTURE DATE (STATE 19287, JANUARY 29, 1974). LATER, HOWEVER, THE DEPARTMENT NOTED THAT AN ALLIED DETERMINATION OF THE LEGALITY UNDER THE QA OF PRESIDUM MEETINGS IN BERLIN COULD NOT BE MADE WITHOUT FULLER INFORMATION ON THE STATUS OF THE PRESIDUM (STATE 36933, FEBRUARY 24, 1974). IF IT WERE PURELY A PROCEDURAL BODY, AS RENGAR HAD ASSERTED, IT MIGHT BE ASKED WHETHER IT WAS PROPER FOR IT TO CONTINUE TO MEET IN BERLIN AS IT HAD DONE BEFORE THE QA IN CONNECTION WITH MEETINGS OF THE FULL

BUNDESTAG IN BERLIN; IF, ON THE OTHER HAND, IT WERE DETERMINED THAT THE PRESIDUM HAD COMMITTEE STATUS, IT WOULD BE NECESSARY TO CONSIDER THE QA LIMITATIONS (I.E., THAT ITS MEETINGS IN BERLIN BE RELATED TO MAINTAINING AND DEVELOPING THE TIES BETWEEN THE FRG AND THE WSB). CONSIDERATION OF THE MATTER WAS DROPPED ONCE THE RESPONSE TO THE SOVIETS WAS DISPOSED OF.

15. AFTER WEEKS OF DISCUSSION IN THE SPRING OF 1974, THE US OBTAINED ALLIED AND FRG CONCURRENCE IN ITS VIEW THAT THE REPLY TO THE SOVIETS SHOULD BE MINIMAL, SERVING ONLY TO KEEP OPEN OUR LEGAL POSITION. WHILE THE REPLY DID NOT GO SO FAR AS TO STATE THAT MEETINGS OF THE PRESIDUM AND THE COUNCIL OF ELDERS WERE LEGAL UNDER THE QA, IT DID REJECT THE SOVIET CONTENTION THAT SUCH MEETINGS WERE PROHIBITED BECAUSE THEY WERE NOT MENTIONED IN THE QA. SHOULD A MEETING ACTUALLY TAKE PLACE, WE WOULD EXPECT TO HEAR AGAIN FROM THE SOVIETS ON THE SUBJECT.

16. WE TEND TO AGREE WITH BOISSIEU THAT WE KNOW ENOUGH ABOUT THE NATURE OF THE PRESIDUM AND THE COUNCIL OF ELDERS TO REACH A DECISION WITHOUT REOPENING THAT PART OF THE DISCUSSION WITH THE FRG. THE REMPOSITION AND FUNCTIONS OF BOTH BODIES ARE DESCRIBED IN THE RULES OF PROCEDURE OF THE BUNDESTAG. WHILE THEIR RESPONSIBILITIES ARE, STRICTLY SPEAKING, PROCEDURAL AND ADMINISTRATIVE, THEY WIELD CONSIDERABLE POWER WHICH
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INFLUENCES THE LEGISLATIVE PROCESS. THE PRESIDUM (THE PRESIDENT PLUS THE FOUR VICE PRESIDENTS OF THE BUNDESTAG) IS RESPONSIBLE FOR SUCH MATTERS AS HIRING OF SENIOR EMPLOYEES, ADMINISTRATION OF BUNDESTAG

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DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 /075 W

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P R 301737Z DEC 75

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PROPERTY, PUBLICATIONS, AND TRAVEL OF DELEGATES. THE COUNCIL OF ELDERS (CONSISTING OF THE MEMBERS OF THE PRESIDUM PLUS 23 OTHER MEMBERS CHOSEN BY THE PARTY FRAKTIONEN ON THE BASIS OF THEIR TOTAL MEMBERSHIP T IN THE BUNDESTAG) IS RESPONSIBLE AMONG OTHER THINGS FOR CHOOSING THE CHAIRMEN OF THE COMMITTEES AND CONTROLLING THE TIMING AND AGENDA OF PLENARY SESSIONS.

17. FROM THIS ANALYSIS, WE WOULD FIND IT QUESTIONABLE TO MAINTAIN TO THE FRG THAT WE CONSIDER THAT MEETINGS IN BERLIN OF THE PRESIDUM AND THE COUNCIL OF ELDERS ARE PERMANENTLY RULED OUT. RATHER, THE ISSUE WOULD SEEM TO BE ONE OF POLITICAL OPPORTUNENESS -- A MATTER TO BE DETERMINED PRIMARILY BY THE FRG, BUT IN CLOSE CONSULTATION WITH THE ALLIES.

18. THE EMBASSY RECOMMENDATION IS THAT THE US REP IN THE BONN GROUP BE AUTHORIZED TO RESPOND TO THE FRG REQUEST
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ALONG THE FOLLOWING LINES: WHILE THE SITUATION HAS CHANGED FROM JANUARY 1974, WE STILL HAVE DOUBTS ABOUT THE WISDOM OF GOING AHEAD WITH SUCH A MEETING IN BERLIN. THE MAJOR TEST SHOULD BE "WHAT IS IN IT FOR BERLIN?" WE SEE LITTLE FOR BERLIN IN A COUNCIL OF ELDERS MEETING THERE AND BELIEVE THE ONLY RESULT WOULD BE UNNECESSARY TROUBLE. NEVERTHELESS, IF RENGEL IS DETERMINED TO HAVE THE MEETING, AND THE FEDERAL GOVERNMENT CONCLUDES IT

WOULD BE DESIRABLE, WE WOULD RELUCTANTLY ACQUIESCE.
HOWEVER, IRRESPECTIVE OF WHETHER THE COUNCIL OF
ELDERS IS A "COMMITTEE" OR SOMETHING ELSE, WE BELIEVE
THERE MUST BE A DEMONSTRABLE REASON FOR THE MEETING TO
BE HELD IN BERLIN. THUS, WHILE THE US WOULD NOT WANT
TO ARGUE THAT THE MEETING WAS OF A COMMITTEE IN CONNEC-
TION WITH MAINTAINING AND DEVELOPING THE TIES, WE
COULD POINT TO PRACTICAL REASONS WHY BERLIN WAS THE
LOGICAL PLACE FOR MEETING, E.G., INSPECTION AND
ADMINISTRATION OF REICHSTAG BUILDING.

19. ACTION REQUESTED: GUIDANCE FROM THE DEPARTMENT, IF
POSSIBLE BY EARLY IN WEEK OF JANUARY 5.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LEGISLATORS, BERLIN QUADRIPARTITE MATTERS, CENTRAL GOVERNMENT, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN20862
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750450-0306
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975126/aaaaaekx.tel
Line Count: 454
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 28 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 APR 2003 by BoyleJA>; APPROVED <29 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPOSED MEETING OF BUNDESTAG COUNCIL OF ELDERS IN BERLIN
TAGS: PFOR, PGOV, GE, WB, US, FR, UK, UR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006